

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION See paragraph 2 below

International application No.  
PCT/GB2004/000581

International filing date (day/month/year)  
13.02.2004

Priority date (day/month/year)  
05.08.2003

International Patent Classification (IPC) or both national classification and IPC  
A63B57/00

Applicant  
GOLFSPEED INTERNATIONAL LTD.

#### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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IAP20 Rec'd PCT/PTO 03 FEB 2006

## Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/000581

**Box No. II Priority**

1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N) Yes: Claims 1-8  
No: Claims

Inventive step (IS) Yes: Claims 4-6  
No: Claims 1-3,7-8

Industrial applicability (IA) Yes: Claims 1-8  
No: Claims

2. Citations and explanations

**see separate sheet**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)

PCT/GB04/00581

**Re Item V )**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US-A-5 370 387 (BAKER GENE G) 6 December 1994 (1994-12-06)
- D2: US-B1-6 482 108 (MCLAUGHLIN WILLIAM E) 19 November 2002 (2002-11-19) cited in the application
- D3: US-A-5 662 533 (CHADWELL DONALD) 2 September 1997 (1997-09-02)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document **D3** is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

an apparatus for detecting an object (10), the apparatus comprising a light source (9), a detector for detecting incoming light (9) and a processor for determining the presence of an object (8) which has to be prepared.

The subject-matter of claim 1 therefore differs from this known apparatus in that: the detector is adapted to detect wavelengths fluoresced by the object without preparation.

The problem to be solved by the present invention may therefore be regarded as finding a way to avoid the need for special preparation of the object.

However, these features have already been employed for the same effect (objects absorbing UV wavelengths followed by a fluoresced light) in a similar apparatus, see document **D1**, column 1, line 5-10 and column 2, line 33-36. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to an apparatus according to document **D3**, thereby arriving at an apparatus according to claim 1.

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International application No.  
PCT/GB04/00581

The same argumentation applies to the method claim 8.

Dependent claims 2-3 and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the skilled person would regard it a normal design procedure to combine all the features set out in claim 2-3 and 7.